EXTENSIONS OF REMARKS

THE HISTORY OF THE PRIVATE CALENDAR OF THE U.S. HOUSE OF REPRESENTATIVES

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe, the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were private laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 private laws, as compared with 434 public laws. At the turn of the century the 56th Congress passed 1,498 private laws and 443 public laws, a better than three to one ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 private laws, as compared with 594 public laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XXIV, clause six, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. It a bill called is objected to by two or more Members, it is automatically recommitted to the Committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday ago over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors system the House has established to deal with the great volume of private bills.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or questions about a particular private bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bill, and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement adopted on April 21, 1999, the Members of the Private Calendar Objectors Committee have agreed that during the 106th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from North Carolina (Mr. COBLE), the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Virginia (Mr. BOUCHER), and the gentlelady from Connecticut (Ms. DELAURO).

I feel confident that I speak from my colleagues when I request all Members to enable us to give the necessary advance consideration to private bills by not asking that we depart from the above agreement unless absolutely necessary.

TRIBUTE TO FBI NATIONAL ACADEMY GRADUATES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to recognize a young man dedicated to a career of service and protection. On March 26, 1999, Commander Charles Austin Baker of the Commerce City Police Department, Commerce City, CO., graduated from the 196th session of the FBI National Academy in Quantico, Virginia.

Each year the FBI National Academy selects several of our nation's top law enforcement officers to participate in an extensive 11-week training program. Throughout this training, particular emphasis is placed on leadership development. Courses in the program relate to Police management, Behavioral Science, Criminal Law, Law enforcement, Communication Arts, Forensic Science, and Health/Fitness. After Graduation, they expect that these officers will be prepared to assume even greater responsibilities and pass on to others the benefits of their advanced training.

Mr. Speaker, it is my privilege to congratulate Commander Baker and all of the FBI National Academy graduates. With confidence, I look forward to their leadership in America.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

IN THEIR OWN VOICES, AFRICAN AMERICANS TELL THE HISTORY OF BIGOTRY

(By Ovetta Sampson)

COLORADO SPRINGS, COLO.—History books paint Colorado Springs as a haven of goodness—a beautiful resort town for the healthy and wealthy tucked at the bottom of Pikes Peak.

In its early years, the city seemed almost ambivalent about race compared with other places around the country. The city didn't have segregated schools or neighborhoods. Its first police force, formed in 1887, included black officer Horace Shelby. By 1898, Colorado Springs had two weekly newspapers for blacks: The Colorado Springs Sun and The Enterprise.

A closer look reveals a piece of Colorado Springs' past that's rarely talked about. It's a piece of history locked in the hearts and minds of many longtime black residents. It shows a Colorado Springs that sanctioned separatism in the city's finest hotels, restaurants and shops.

It tells of a Jim Crow existence ushered in by the Ku Klux Klan. To find such history, you have to look beyond the usual books about the city and into the lives of its ordinary black residents. To get the truest sense of the triumphs and tragedies black people endured here, you have to let them have their say, in their own words.

* * * Kelly Dolphus Stroud was born in 1907, the third of 11 children in one of Colorado Springs' pioneering families.

While the children were still young, their father, Kimbal Stroud, would fill the home with music, playing the French harp or singing. He also told them stories about slavery, biblical adventures and happenings around the world.

In an unpublished book, Dolphus recounts how his dad's after-supper musings gave them the head start they needed for school.

''The Stroud children learned a great deal at the feet of their parents and were well advanced beyond their grade levels upon entering Bristol elementary school. This placed them in the enigmatic position of being the brains of their classes because of their knowledge and the butt of all jokes and embarrassments because of the color-phobia of White America.''

Dolphus realized, even in his youth, that being smart didn't exempt blacks from the racist attitudes of others.

''It hurts when one approaches his high school Latin teacher as I did after the first semester of my first year of Latin class to ask why I have been graded 'B' when I had passed every test with 100 percent grade, had done every translation without error and had not been absent or tardy to any class,'' Dolphus wrote in a letter to his biographer, Inez Hunt, years after he'd left Colorado Springs.

''Thus, I received this curt answer 'I don't give A's to colored kids.'''

Dolphus transferred to another Latin class and ''received an A-plus on every Latin semester report thereafter for the next three years.''

He was good at masking his pain but angry at the way he was treated: ''To be forced to carry a pocket full of rocks at all times for a measure of self-defense against unprovoked attacks,'' he wrote in another letter to Hunt. The letter can be found in John Holley's book ''Invisible People of the Pikes Peak Region.''

''To be unable to eat food inside any of the numerous restaurants in Colorado Springs and Manitou, to be unable to enter any of the city theaters, and to be harassed by Chief Hugh D. Harper and his police to the point where Negro youngsters were constantly under the threat of being kidnapped from the streets and taken to City Hall and forced to dance and clown for the entertainment of the police, were among the minor irritations one faced daily.''

Still, Dolphus excelled in college, becoming the first black man at Colorado College to earn membership in the prestigious honor society Phi Beta Kappa.

After graduation, however, he couldn't get a job teaching at his alma mater where he had done so well.

Dolphus thought it was a cruel joke. Although black students here received an equal education long before the 1954 U.S. Supreme Court decision desegregating schools, they ran up against the same wall as in Southern cities that separated them from professional jobs. Dolphus ended up working for his father's company hauling everything from ash to trash because he couldn't find a better job.

''Naturally, the experience at Bristol School, Colorado Springs High School and the general atmosphere of the town left emotional * * * scars upon the Negroes of my generation,'' he wrote.

Dolphus, like most of his siblings, eventually left Colorado Springs. He taught political science at a black school in Georgia, coached a baseball team and owned his own trucking and storage business in Portland, Ore. He died in 1975 at 68.

The heavy cloud of discrimination that floated throughout the city during Dolphus' youth soon became a whirlwind of prejudice, racism and downright terrorism for blacks.

In Colorado Springs, old-timers say, the Ku Klux Klan reigned with the backing of the city government. A 1921 Gazette clipping tells how the Klan, formed in July of that year, couldn't be shut down or touched by order of the police chief and district attorney. Other clippings tell of the Klan burning crosses on front lawns and even on Pikes Peak.

'The brutality was horrible,'' said 75-year-old Eula Andrews, who vividly remembers the Klan uprisings from when she was a little girl. ''It was so unpleasant. I was frightened, my mother was frightened. The Klan was so strong here.''

Andrews may have felt the sting of hatred more than most. She was the daughter of Charles Banks, one of the city's most vocal crusaders against racism.

Bank's suffering was more of a conscious choice. He was born in 1880 to an American Indian mother and English father. With his caramel-colored skin, Banks didn't have to identify himself as black, but because he was raised in a black household, he did.

When he signed up with the military, he joined black men who were forced to fight segregated troops. After contracting malaria in the Philippines, the Spanish-American War veteran retired to Colorado Springs, where he used the city as the battleground to fight a civil rights war.

Andrews said her father's activism could be traced to a face-to-face meeting Banks had with abolitionist Frederick Douglass, who encouraged him.

In Colorado Springs, Banks didn't hesitate to threaten, coerce or cajole the folks of Colorado Springs to go his way.

''I am sending you this communication on behalf of the National Colored Democratic Club of El Paso County protesting against the appointment of Judge Little for assistant district attorney,'' Banks wrote to another El Paso County judge in July 1932. ''There was a time when the colored people of this county put their unmost confidence in him and would have supported him in almost anything he would have asked for. But his attitude toward us during the reign of the Ku Klu (Klan) shattered all confidence beyond a reasonable doubt that he was not our friend. We did everything in our power to ensure your election, and we still have undying confidence in you and believe when you look into this matter further that you will decline to make the appointment of Judge Little.''

Bank's activism generated enemies, including the Klan, which burned a cross in his neighbor's yard thinking it was Banks' yard. His activism also helped him get elected as president of the NAACP, a post he held for five years.

As part of the National Association for the Advancement of Colored People, he was a pistol, packing political clout and a penchant for filing lawsuits against businesses that violated civil rights laws. He sent his children and other relatives to stores, theaters and cafes around town to document the discrimination.

Andrews remembers being send one time by her father to Walgreens. She sat down in a booth and ordered coffee. When the waitress served her, she poured salt instead of sugar into her cup. ''I got so angry,'' Andrews said.

Her father, through, had given her strict orders not to fight—just pay, leave and document the event.

In an undated speech titled ''Will Democracy or Fascism Reign in Colorado?'' Banks took the city's government to task.

A five-man committee was appointed by the City Council; they investigated very thoroughly and cleared the police of the brutality charge. Of course, it couldn't be expected that anyone would be appointed to that committee who would make a fair investigation. The committee stated it was not brutality but self-defense when a policeman cruelly beat up a man Well, if self-defense means going into a cell when a man is already behind bars and beating him unconscious, then we will call it self-defense. Of course I realize that sometimes it is necessary for a policeman to use his black jack. But the way they have beaten some of these boys, you would think they had just caught a desperate criminal. . . . The committee also stated the police were sincere and devoted and above average in intelligence. What I want to know (is) who and what are they devoted to besides the chief and the taxpayers' money? Yes, maybe they are above average in intelligence, they have the intelligence to arrest a man, drunk or sober, fine him $25 to $250 for drunkenness, disturbing the peace or whatever else they can think of to get the money . . . They have the intelligence to order Negroes out of theaters and to uphold other public facilities and breaking the civil rights law.''

Banks' fervor didn't sit well with some of the other civil rights leaders in town, and he was called a Communist. Eventually he was ostracized and ousted as NAACP head, but residents say his legacy will be as a freedom fighter in Colorado Springs. He died in 1976.

In 1942, Camp Carson came to town, and in one day, the city's black population increased 10 percent. By the time Camp Carson turned into a permanent Army base and became Fort Carson in 1954, the military installation was regularly drawing new residents to the city.